Sectt. M.27—45,000—19-10-39

(1941) Department.

SERIES

G.O. No. 35-B.H. 2

Dated 4-1-1941

[Despatch Abstract.]

Building Rules - Mangalore Municipality - Muhammad Ismail Sait - Exemption from building rules and town planning scheme conditions - Granted.

C.F. 30.

Town Planning DEPARTMENT.

Received 14 DEC 1940 *Registered* S1308 19

Subject.

Building - Mangalore Municipality - Kodialbail West Ward Town Planning Scheme Area - Contravention of Scheme conditions and rule 8 of the Building Rules - Exemption.

ENCLOSURES.
No.
Spare copies

D.T.P No. 3245/40

Station Mount Road, Madras *Dated the* 13th December, 19 40.

From (Name) S. Ranganathan, Esq., O.B.E., I.C.S.,
(Designation) Ex-Officio Director of Town Planning,

To The Secretary to the Government of Madras,
Education & Public Health Department.

Sir,

Ref: From the Commissioner, Mangalore Municipality to Govt. No. C4-6905/40 dated 13-11-40.
Govt. Endt. No. 48075/1-F/40 R.H., dated 28-11-40.

pp 3-8 cf
p 3 cf.

Submitted.

2. The construction of shop building in T.S.No. 1498 of 6th Ward, Mangalore, falls in the Kodailbail West Ward Town Planning Scheme area. It is observed from the file that in the site plan submitted by the party for approval of the municipality 5 feet space is shown between the building and street edge and, according to the licence granted to the party in the municipal office D.Dis.H3-1307/40 dated 12-3-1940, a condition is also specifically mentioned that 5 feet open space from the street alignment should be left. The plea of the party that he constructed the building

p27 final file

last final typ

deviating from the approved plan and contravening the conditions of the licence, out of ignorance does not deserve consideration.

3. The shop building is constructed in a site which is already occupied by a dwelling house. According to the requirements of the Town Planning Scheme, only one building shall be constructed in a site and no shop shall be constructed in an area or site used or intended to be used for residential purposes. The construction of the shop in question is therefore objectionable.

The shop is constructed without leaving 5 feet space from the edge of the road as required under the town planning scheme. It is also against the requirements of rule 8 of the building rules.

It will be highly prejudicial to the development of the area on proper town planning lines, if the council fails to enforce the scheme conditions and the building rules.

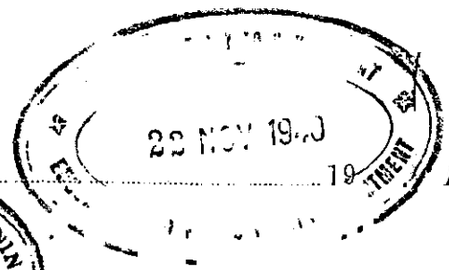
4. As a special case, the Government may allow the retention of the shop building (including the verandah) subject to the condition that the party should remove it at his own cost if and when called upon to do so.

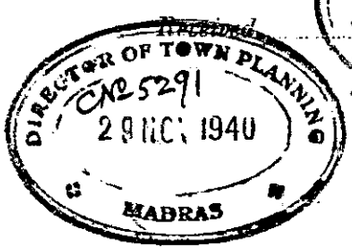
6/3/12

ve. 13/12.

for Ex-Officio Director of
Town Planning, Madras.

DEPARTMENT.





Received ..... 19 *Registered* 19

Subject. 48075

BUILDING RULES -- Madras District Municipalities Act -- Rule No.8 -- Waiver of -- Requested.

E&P.H. (F) Deptt
Endt 48075-1/40 P.H. dated. 28/11/40
Messrs. Returned to the D.T.P.
through whom it is intended to be sent.
S R Kaimal 29.11.40
By Order

Enclosures.
No. 2 with
file
Spare copies

2 Dm D.T.P.
with enclts. 35 pp.

Ref: No. C4/6905/40

Station Mangalore, *Dated the* 13th November 1940.

From (Name) Sri M. Narayana Shenoy, B.A.,B.L.,
(Designation) Commissioner,Mangalore Municipality.

To The Secretary to the Government of Madras,
Through The Director of Town Planning, Madras,
& The Chairman, Municipal Council, Mangalore.

Education & Public Health Department.
Fort St.George,
Madras.

Sir,

I am to bring the following case to the notice of Government and request that Government may be pleased to waive Rule 8 of the Building Rules read with provision of the Kodialbail West Ward Town Planning Scheme for the reasons given below :-

One Muhammad Ismail Sait was detected constructing a shop-building in T.S.No. 1498 of 6th ward in violation of the license granted to him i.e. without leaving 5 ft space from the road edge as required under the Town Planning scheme

Scheme and he was asked by notice to bring the building into conformity with the approved plans and conditions of license referred to. The party whereupon, preferred an appeal to the council, representing among other things that he, being an illiterate man and a foreigner to this place was not conversant with the local languages and the rules that the work as a consequence had to be left to the charge of his contractor and that he was unaware that 5 ft space had to be left from the road margin. He also regretted his action done in ignorance and requested the council to permit the retention of the portion of the building standing on the 5 ft sapce from the road edge on condition that it would be removed at his cost whenever required by the municipality to do so. The appeal was referred to a committee and which after an inspection of the site recommended that the building be allowed to stand. A copy of the report of the committee is enclosed. The council in its resolution No.56 dated the 7th October 1940 (copy enclosed) accepted the recommendation of the Committee.

The building under reference is a small shop and the portion standing on the 5 ft space is only the verandah. on which the building abuts The street is not a busy one and the building is in a line with the other existing buildings. Further, the party has stated his willingness to remove the verandah whenever required by the municipality to do so. I therefore request that Government may be pleased to exempt the building from the operation of Rule 8 of the Building Rules read with the scheme condition and allow the retention of the verandah on the party giving the usual bond to demolish at his own cost and without claiming compensation whenever required by the Municipality. The file is enclosed.

DESPATCHED
19. NOV. 1940

Commissioner, M.M

Forwarded:

Chairman, M.C.

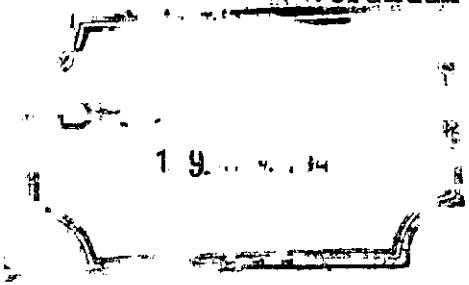
HDU/15/11 13th Novr.1940.

No.....

Extract from the Proceedings of the Mangalore Municipal Council at its meeting held on 7th October *19* 40.

Resolution No. 56

Read: Council resolution No.49 dated the 12th August 1940 referring to a committee appeal petition of K. Muhammad Ismail Sait against the orders of the Commissioner requiring him to bring the building constructed in T. S.No. 1498 of 6th ward in conformity with the approved plans and the Committee's report recommending that the verandah of the building constructed on 5 feet space



may be allowed to stand for reasons stated in the report.

Committee's recommendation is accepted and the verandah of the building constructed on 5 ft space will be allowed to stand.

x x

Sd/B. Venkatarao Baliga,

Chairman, M. C.

/True Extract/

Municipal Office, Mangalore, |

Dated the 14th November 1940 |

Commissioner, M.M.

Compd:-

H.D.U.15/11/40.

We inspected the building this day. The appellant has constructed a small shop on T.S. No. 1498 of 6th ward. The main building has been constructed leaving 5 ft from road margin, but only the verandah portion with the roof on it is on 5 ft portion which is in a line with the other buildings on either side in that street, thus maintaining the symmetry and beauty. The removal of the verandah will really disfigure the building. The street is not a busy one.We therefore recommended that the appellant's action in constructing the verandah on the 5 ft space may be condoned and the verandah attached to the building may be allowed to stand on condition that the appellant is to remove the verandah portion when the road is to be widened. The condition is proposed by the appellant himself in his petition dated the 27th July 1940.

29th September 1940) Sd/ M.R.Bhat
) sd/ George E.Aiman.

/True Copy/

Municipal Office,) Commissioner.
Mangalore,14.11.40)

Compd:--

HDU/15/11-40

C.F. 16.

DRAFT FOR APPROVAL.

28/4/1 Date. Initials.

SUBJECT:— E+P.H. (F) Deptt

When received for fair copying ..
When copied .. 28/4/1
When examined..
When signed ..
When despatched.

Building Rules - Mangalore municipality - Muhammad Ismail Sait - Exemption from building rules and T.P. scheme conditions - Granted.

READ AGAIN ....., dated ..... 19.....

" " ..... " ..... 19.....

READ *ALSO*:—

c No. 51308/40 From the Commr Mangalore Mlty No. C4/6905/40 dated 13/11/1940

" ..... " D.T.P. " 3245/40 " 13/12/1940

" ..... " ..... " ..... " ..... 19.....

~~Order~~ ~~Ms.~~ ~~Resolution~~ ~~Rout.~~ No. 35 (PH) dated 4.1.41

(not put up: Bdn No 101)

Under rule 108 A of the Building Rules issued in G.O. No. 1621 P.H. dated 30.7.1932 as subsequently amended, H.E. the Governor of Madras is hereby pleased to permit the retention of the shop building (including the verandah) belonging to Muhammad Ismail Sait situated in T.S. No. 1498 of the 6th Ward. ~~in spite of the fact that~~ (inasmuch as) it contravenes building rule 8. and violates the provisions of the Kodialbail West Ward Town Planning Scheme. The party

should, however, be required to agree to the condition that if and when called upon to do so he should be prepared to remove it at his own cost.

2. A copy of the remarks of the D.T.P. contained in paras 2 and 3 of his letter read above is communicated to the Commissioner, Mangalore municipality.

19/12 21/12/09

23/12/09

4/1

To the Commr Mangalore Mcity through C.M.C. with multiple rdd (typed) + copy of D.T.P.'s remarks paras 2+3.

D.T.P 1